

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Implementation of the Cable  
Television Consumer Protection  
and Competition Act of 1992

Cable Home Wiring

MM Docket No. 92-260

REPLY OF THE NYNEX TELEPHONE COMPANIES TO  
OPPOSITIONS TO THEIR PETITION FOR RECONSIDERATION

The NYNEX Telephone Companies, New England Telephone and Telegraph Company and New York Telephone Company (collectively the "NTCs"), submit this reply to oppositions to the NTCs' Petition for Reconsideration of rules adopted by the Federal Communications Commission (the "Commission") in a Report and Order released in the above-referenced proceeding on February 2, 1993 (the "Order").

In their Petition for Reconsideration, the NTCs asked the Commission to reconsider its decisions (i) to locate the demarcation point in multiple unit installations at or about twelve inches outside of where the cable enters a subscriber's dwelling unit; (ii) to exclude "loop through" configured cable home wiring from application of the rules; and (iii) to apply its rules for the disposition of cable home wiring only upon

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termination of service by the subscriber.<sup>1</sup> The Commission itself concluded that "broader cable home wiring rules could foster competition"<sup>2</sup> and, after reviewing the oppositions to their Petition for Reconsideration,<sup>3</sup> the NTCs remain convinced that the rule changes they propose would indeed foster competition in accordance with the Commission's objectives.

Parties who oppose the NTC Petition for Reconsideration object, in particular, to broadening the cable home wiring rules applicable to multiple unit installations. The opposing parties specifically object to (i) extending the subscriber's control to cable home wiring located more than twelve inches outside the subscriber's dwelling unit; (ii) allowing a building owner to control cable home wiring that is used by more than one subscriber; and (iii) providing for subscriber ownership of cable home wiring immediately upon installation.

The NTCs have shown in the Petition for Reconsideration why broadening the cable home wiring rules in the foregoing respects is necessary to achieve a fully

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<sup>1</sup> Petition for Reconsideration of the NYNEX Telephone Companies, filed April 1, 1993.

<sup>2</sup> Order, ¶ 6.

<sup>3</sup> The three oppositions filed are Opposition to Petitions for Reconsideration, filed by the National Cable Television Association, Inc. on May 18, 1993 ("NCTA Opposition"); Time Warner Entertainment Company, L.P. Response to Petitions for Reconsideration, dated May 18, 1993 ("Time Warner Opposition"); and Opposition of TKR Cable Company to Petitions for Reconsideration, dated May 18, 1993 ("TKR Opposition").

competitive market in the cable and video industries.<sup>4</sup> Moreover, this broadening of the cable home wiring rules would be consistent with principles embodied in the Commission's telephone inside wiring rules, which were likewise intended to foster competition.

The telephone inside wiring rules expressly permit telephone wiring located in common areas of multiunit premises to be included in a customer's inside wiring.<sup>5</sup> In addition, inside wiring rules permit the owners of multiunit premises to determine the location of the demarcation point between the telephone network and inside wiring.<sup>6</sup> Finally, a customer has control over telephone inside wiring immediately upon installation, including the right to remove, reconfigure or rearrange it.<sup>7</sup>

Indeed, the legislative history of the Cable Television Consumer Protection and Competition Act of 1992 shows that the Senate cited the pro-competitive telephone inside wiring rules as embodying "good policy".<sup>8</sup> Although the parties opposing the Petition for Reconsideration purport to

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<sup>4</sup> See Petition for Reconsideration, pp. 3-6.

<sup>5</sup> See 47 CFR § 68.3 (Demarcation Point).

<sup>6</sup> The owner may determine the location in the case of all multiunit premises installations occurring after the effective date of the inside wiring rules, unless the telephone company has adopted a policy of locating the demarcation point at the property line or where wiring enters the multiunit building. See 47 CFR § 68.3 (Demarcation Point).

<sup>7</sup> 47 CFR § 68.213(b).

<sup>8</sup> S. Rep. No. 92, 102D Congress, 1st Session 23 (1991).

rely on the legislative history, their citation to the legislative history is highly selective and fails to account for this reference.

The opposing parties likewise choose to ignore the clear statement in the House of Representatives report that "competition ultimately will provide the best safeguard for consumers in the video marketplace." (H. Rep. No. 628, 102D Cong., 2d Sess. 30 (1992)). As the Commission acknowledged, competition is best achieved through the broadening of the cable home wiring rules.

Finally, the parties opposing the Petition for Reconsideration raise the specter of signal leakage as a reason for limiting the extent of subscriber control of cable home wiring. This issue was considered in the Order. The Commission specifically concluded that the existing rules, which charge the service provider with responsibility to prevent signal leakage,<sup>9</sup> adequately address any problems of signal leakage. Obviously, the same principle could be applied if cable home wiring were used simultaneously by more than one provider. In such circumstances, the service providers would be jointly responsible to prevent signal leakage.

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<sup>9</sup> Order, ¶ 22.

The NTCs' Petition for Reconsideration is consistent with the objectives of Congress and the Commission, and has received strong support from a variety of parties filing supporting comments.<sup>10</sup> The NTCs therefore respectfully request that the Commission reconsider its Order.

Respectfully submitted,

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Dated: June 3, 1993

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<sup>10</sup> See Response of Bell Atlantic to Petitions for

CERTIFICATE OF SERVICE

I certify that copies of the foregoing REPLY OF THE  
NYNEX TELEPHONE COMPANIES TO OPPOSITIONS TO THEIR PETITION FOR  
RECONSIDERATION were served on each of the parties listed on  
the attached Service List, this 3rd day of June, 1993, by first  
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